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IN THE
Supreme Court of the United States

OCTOBER TERM, A. D. 1946.

No. 700

BORG-WARNER CORPORATION AND DAVID
E. GAMBLE,
Petitioners,

VS.

GEORGE I. GOODWIN AND JOHN F. DAUKUS,
Respondents.

**RESPONDENTS' BRIEF IN OPPOSITION TO PETI-
TIONERS' MOTION FOR LEAVE TO FILE
(SECOND) PETITION FOR REHEARING.**

RAYMOND L. GREIST,
Counsel for Respondents.



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Petitioners have brought a motion for leave to file a (second) petition for rehearing, which motion is accompanied by the proposed petition.

This proposed second petition for rehearing is not only far out of time (the first petition for rehearing was denied February 3, 1947) but is directed to questions which petitioners have already raised before this Court.

In their motion petitioners seek to excuse the long delay in filing their proposed second petition for rehearing by

representing (see page 3 of Motion, line 7) that they have "not previously raised" before this Court the questions which they recently urged by motion before the Court of Appeals, namely, those relating to the alleged necessity of a disclaimer, which questions they say they now wish this Court to consider.

This allegation is not true. Petitioners raised the very same questions relative to disclaimer before this Court in their first petition for rehearing (see pages 22 to 26, inclusive, of [first] Petition for Rehearing), which petition was denied February 3, 1947.

Petitioners' present motion is but one of a long series of unsuccessful time-consuming moves, which moves have had, and are continuing to have, the effect of interminably delaying final conclusion of this litigation. The Court of Appeals entered its decree in this case on July 1, 1946, almost a year ago.

The motion should be denied.

Respectfully submitted,

RAYMOND L. GREIST,
Counsel for Respondents.

June 4, 1947.